

Update: Criminal Procedure Monograph 6—Pretrial Motions (Revised Edition)

Part 2—Individual Motions

6.28 Motion to Suppress the Fruits of Illegal Police Conduct

Insert the following language on page 65, before the paragraph beginning with “The ‘inevitable discovery’ doctrine....”:

A police officer needs no probable cause or articulable suspicion to conduct a computer check of a vehicle’s license plate number. *People v Jones*, ___ Mich App ___, ___ (2004). An investigatory stop of the vehicle is justified if a computer check reveals that the vehicle’s registered owner is subject to arrest, and no visible evidence contradicts the inference that the vehicle’s driver is the registered owner of the vehicle. *Jones, supra* at ___. Provided the investigatory stop was proper and the subsequent arrest was warranted, the search of the driver’s person and vehicle does not violate the Fourth Amendment’s prohibition against unreasonable search and seizure, and any evidence discovered during the warrantless search was lawfully obtained. *Jones, supra* at ___.

6.37 Motion to Suppress Evidence Seized Without a Search Warrant

1. Searches of Automobiles for Evidence

Insert the following language near the top of page 90, immediately before the beginning of subsection (2):

Although a police officer needs no probable cause or articulable suspicion to conduct a computer check of a vehicle's license plate number, an investigatory stop of any vehicle is valid only if the stop is predicated on an officer's articulable and reasonable suspicion that an occupant of the vehicle has violated the law. *People v Jones*, ___ Mich App ___, ___ (2004).

2. Searches Incident to Valid Arrest

Insert the following language after the first paragraph of subsection (2) on page 90:

A police officer needs no probable cause or articulable suspicion to conduct a computer check of a vehicle's license plate number. *People v Jones*, ___ Mich App ___, ___ (2004). An investigatory stop of the vehicle is justified if a computer check reveals that the vehicle's registered owner is subject to arrest, and no visible evidence contradicts the inference that the vehicle's driver is the registered owner of the vehicle. *Jones, supra* at ___. Provided the investigatory stop was proper and the subsequent arrest was warranted, the search of the driver's person and vehicle does not violate the Fourth Amendment's prohibition against unreasonable search and seizure. *Jones, supra* at ___.